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Southern District
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Southern District of New York
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January 28, 2021

By ECF

Honorable Sidney H. Stein
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Victor Castro*, 20 Cr. 637 (SHS)

Dear Judge Stein:

I write on consent (Pretrial Services Officer Benjamin Miller) to respectfully request that the Court terminate the condition of home detention enforced by electronic monitoring. The Government – per Assistant U.S. Attorney Peter Davis – defers to Pretrial Services.

Victor Castro was arrested on August 24, 2020 and released on conditions including a \$175,000 personal recognizance bond secured by Mr. Castro's home in Massachusetts, where he lives with his family, as well as home detention enforced by electronic monitoring. Mr. Castro has been wholly compliant with all the conditions of release.

In supporting this request, Mr. Castro's Pretrial Services Officer explained that it is the policy of his office to review whether electronic monitoring is necessary when an individual nears the six-month mark after the monitoring was put in place. In favor of removing the electronic monitoring here, the Officer noted the following factors:

Naturalized U.S. Citizen who has been in the U.S. since 1991; financial and familial ties to the community (home, wife, children, employment). [Victor Castro's] family home was also put up as a secured bond, which aids in mitigating his risk of flight as do the items previously noted. To my knowledge there are no identified victims (risk of danger). Taking these items and adding his near six months of compliance lean towards Probation being in favor of removal of Home Detention and EM and/or a reduction from Home Detention to Curfew with EM.

See e-mail from Benjamin Miller to Martin Cohen, dated January 27, 2021, attached as Exhibit A.

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Re: *United States v. Victor Castro*, 20 Cr. 637 (SHS)

Accordingly, I respectfully request that the Court remove the home detention and electronic monitoring condition, or in the alternative, reduce the level of supervision from home detention to "curfew."

Thank you for your consideration of this request.

Respectfully submitted,

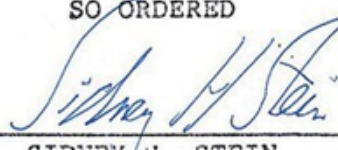
/s/

Martin Cohen
Assistant Federal Defender
(212) 417-8737

cc: Peter Davis, Esq., by e-mail
Benjamin Miller, Pretrial Services Officer, by e-mail

Application granted. Defendant's conditions of release are modified as follows: (1) strict pretrial supervision, and (2) home detention with electronic monitoring is removed.

**Dated: New York, New York
January 29, 2021**

SO ORDERED


SIDNEY H. STEIN
U.S.D.J.

Exhibit A

From: [Benjamin Miller](#)
To: [Martin Cohen](#)
Cc: [Davis, Peter \(USANYS\)](#); [Izlia Sanchez](#)
Subject: RE: Victor Castro
Date: Wednesday, January 27, 2021 12:25:09 PM

FPD Cohen,

I spoke with VC's wife yesterday to alert her that on 2/26/21, VC will be on HD via EM for six months. Our policy and management directs officers to look at EM cases at this timeline to determine if EM is still viable based on a myriad of factors such as compliance, risk, history, etc. Pursuant to the Guide to Judiciary Policy (Volume 8, Part. F, Chapter 3), "location monitoring technology should be dynamic in that officers should consistently evaluate the need for the technology, the level of monitoring, and the type of technology used or recommended."

In VC's Favor:

Naturalized U.S. Citizen who has been in the U.S. since 1991; financial and familial ties to the community (home, wife, children, employment). VC's family home was also put up as a secured bond, which aids in mitigating his risk of flight as do the items previously noted. To my knowledge there are no identified victims (risk of danger). Taking these items and adding his near six months of compliance lean towards Probation being in favor of removal of Home Detention and EM and/or a reduction from Home Detention to Curfew with EM. Please keep me in the loop of the Court's decision.

--BEN

From: Martin Cohen <Martin_Cohen@fd.org>
Sent: Tuesday, January 26, 2021 2:52 PM
To: Benjamin Miller <Ben_Miller@map.uscourts.gov>
Cc: Davis, Peter (USANYS) <Peter.Davis2@usdoj.gov>
Subject: Victor Castro

Ben:

I am going to ask J. Stein to reduce Mr. Castro's level of supervision to curfew. Victor's wife forwarded to me the e-mail that you sent. I just wanted to confirm that Probation supports the request before making that representation to Judge Stein.

Thanks,

-Martin

Martin Cohen
Assistant Federal Defender
Federal Defenders of New York

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